

AMENDED IN SENATE JUNE 23, 2009

AMENDED IN SENATE JUNE 16, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 241

Introduced by Assembly Member Nava
(Coauthors: Senators DeSaulnier, Florez, and Strickland)

February 10, 2009

An act to add Section 597.8 to the Penal Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 241, as amended, Nava. Dogs and cats: breeding for sale.

Existing law proscribes specified acts against animals and imposes criminal penalties for a violation.

This bill would make it a misdemeanor for any person to have more than a combined total of 50 unsterilized dogs and cats for breeding or raising them for sale as pets, as specified. The bill would authorize certain officers to lawfully take possession of an animal kept in violation of that provision, as specified.

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Responsible Breeder Act of 2009.

3 SEC. 2. Section 597.8 is added to the Penal Code, to read:

4 597.8. (a) No person shall own, possess, control, or otherwise
5 have charge or custody of more than a combined total of 50
6 unsterilized dogs and cats at any time used for the purpose of
7 breeding or raising dogs or cats for sale as pets, or for the purpose
8 of producing offspring from dogs or cats for sale as pets. Any
9 person that must reduce the number of unsterilized dogs or cats in
10 order to comply with this section shall spay or neuter the excess
11 animals or sell, transfer, or relinquish the excess animals within
12 30 days following notification by authorities specified in
13 subdivision (b). If necessary, any euthanasia procedures shall be
14 performed by a California licensed veterinarian or a person
15 qualified to perform euthanasia procedures pursuant to regulations
16 adopted by the Veterinary Medical Board for employees of an
17 animal control shelter or humane society and its agencies who are
18 not veterinarians or registered veterinary technicians.

19 (b) A peace officer, humane officer, or animal control officer
20 may lawfully take possession of an animal kept in violation of this
21 section when necessary to protect the health or safety of the animal
22 or the health or safety of others. An officer that seizes an animal
23 under this subdivision shall comply with paragraphs (1) to (4),
24 inclusive, of subdivision (f) of Section 597.1.

25 (c) A person who violates this section is guilty of a
26 misdemeanor.

27 (d) This section does not apply to any of the following:

28 (1) A public animal control agency or shelter, society for the
29 prevention of cruelty to animals shelter, humane society shelter,
30 or rescue group. Except as specified in subdivision ~~(f)~~ (e), these
31 entities are the same as the entities regulated under Division 14
32 (commencing with Section 30501) of the Food and Agriculture
33 Code.

34 (2) A veterinary facility.

35 (3) A research facility, as defined in Section 2132(e) of Title 7
36 of the United States Code.

37 (e) For purposes of this section, “rescue group” ~~is~~ means a
38 not-for-profit entity whose primary purpose is the placement of

1 dogs, cats, or other animals that have been removed from a public
2 animal control agency or shelter, society for the prevention of
3 cruelty to animals shelter, or humane society shelter, or that have
4 been surrendered or relinquished to the entity by the previous
5 owner.

6 *(f) Nothing in this section shall be construed to prevent a city,*
7 *county, or city and county from adopting or enforcing any local*
8 *law related to dogs or cats that may contain more restrictive*
9 *provisions relating to the possession of unsterilized dogs and cats*
10 *than those contained in this section.*

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.